

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JUDY ANN SHAW, §
Plaintiff, §
vs. § C.A. NO.
UNITED AIRLINES, INC., AND §
AIR SERV CORPORATION, §
Defendants. §

**DEFENDANTS UNITED AIRLINES, INC. AND
AIR SERV CORPORATION'S NOTICE OF REMOVAL**

Defendants United Airlines, Inc. and Air Serv Corporation (collectively “Defendants”) file this Notice of Removal to the United States District Court for the Southern District of Texas, Houston Division pursuant to 28 U.S.C. §§ 1441, 1446 and Local Rule 81, and hereby remove this action from the 55th Judicial District Court of Harris County, Texas, respectfully showing as follows:

I. NATURE OF ACTION

1. This is a personal injury action in which plaintiff seeks recovery for alleged bodily injuries purportedly sustained on December 21, 2014, while being transported through the Houston Intercontinental Airport in an electric passenger cart.

2. Complete diversity exists between the Plaintiff and Defendants.

II. REMOVAL JURISDICTION

3. Defendants timely filed this Notice of Removal within 30-days of receipt of Plaintiff's Original Petition and Citation pursuant to 28 U.S.C. § 1446(b). Both United and Air Serv's registered agents received a copy of Plaintiffs' Original Petition on January 3, 2017,

respectively. Accordingly, Defendants Notice of Removal is due to be filed on or before February 3, 2017. *See* 28 U.S.C. § 1446(b).

4. The United States District Court for the Southern District of Texas possesses jurisdiction because of diversity jurisdiction under 28 U.S.C. § 1332 and this Court is the proper Court in which to remove this action because this district and division embrace the place in which the removed action was pending. *See* 28 U.S.C. § 124(b)(2).

5. The citizenship status of Plaintiff for purposes of removal is Oklahoma, as may be determined from Plaintiff's Original Petition ¶ 1.

6. At the time the Petition was filed, and at the time of removal, United Airlines, Inc. was and is a corporation incorporated and existing under the laws of the State of Delaware, with its principal place of business at its headquarters in Chicago, Illinois. See Plaintiff's Original Petition ¶ 2. United is not a citizen of the State of Texas. *See, e.g., Naranjo v. Continental Airlines, Inc.*, Civil Action No. H-12-657, 2012 WL 1431274, at *1 (S.D. Tex. Apr. 23, 2012); *Avalos v Continental Airlines, Inc.*, Civil Action No. H-11-711, 2011 WL 2357374 (S.D. Tex. June 10, 2011).

7. At the time the Petition was filed, and at the time of removal, Air Serv Corporation was and is a corporation incorporated and existing under the laws of the State of Delaware, with its principal place of business at its headquarters in Atlanta, Georgia. See Plaintiff's Original Petition ¶ 3. Air Serv is not a citizen of the State of Texas.

8. Plaintiff's Original Petition "seeks only monetary relief in amount more than \$200,000.00 but less than \$1,000,000." Plaintiff's Original Petition ¶ 16.

9. Accordingly, this Court has original jurisdiction pursuant to 28 U.S.C. §1332 and may be removed to this Court by United pursuant to 28 U.S.C. §1441(a).

10. Defendants have complied with all applicable provisions of 28 U.S.C. §1441 and §1446, the applicable Federal Rules of Civil Procedure, and the Local Rules of this Court.

11. Pursuant to Local Rule 81, copies of all required documents are attached to this Notice of Removal as follows:

- a. Exhibit A – Civil Cover Sheet;
- b. Exhibit B – Index of Matters Being Filed;
- c. Exhibit C – Case Docket Sheet;
- d. Exhibit D – Plaintiff’s Original Petition and Request for Disclosure;
- e. Exhibit E – Proof of Service for United Airlines, Inc. (Process);
- f. Exhibit F – Proof of Service for Air Serv Corporation (Process);
- g. Exhibit G – Civil Case Information Sheet;
- h. Exhibit H – Defendant United Airlines, Inc. and Air Serv Corporation’s Original Answer and Affirmative Defenses; and
- i. Exhibit I – List of All Counsel of Record.

12. Defendants will give written notice of this filing as required by 28 U.S.C. § 1446(d).

13. A copy of this notice will be filed with the clerk of the 55th Judicial District Court of Harris County, Texas as required by 28 U.S.C. § 1446(d).

III. CONCLUSION

WHEREFORE, Defendants United Airlines, Inc. and Air Serv Corporation respectfully request that this action proceed in this Court as an action properly removed to it.

Respectfully submitted,

ROSE LAW GROUP PLLC



Marc Michael Rose
Texas Bar No. 24098350
Federal I.D. No. 2943701
777 Main Street, Suite 600
Ft. Worth, Texas 76102
Telephone: (817) 887-8118
Facsimile: (817) 887-8001
E-mail: marc@roselg.com
COUNSEL FOR DEFENDANTS
UNITED AIRLINES, INC. AND
AIR SERV CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2017, a copy of the foregoing document was filed and served electronically through the Court's Electronic Case Filing System and facsimile.

Via ECF and Certified Mail

Bart Behr
BEHR LAW FIRM
13501 Ranch Road 12, Ste. 108
Wimberley, Texas 78676
Telephone: (512) 842-6570
Facsimile: (888) 400-5260
E-mail: bart@behrlawfirm.com

COUNSEL FOR PLAINTIFF



Marc Michael Rose